

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

PHIL BREDESEN,
Governor of the State of Tennessee,

Plaintiff,

v.

TENNESSEE JUDICIAL SELECTION
COMMISSION,

Defendant.

No. 06-2275-III

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MEMORANDUM IN SUPPORT OF MOTION FOR STAY OF JUDGMENT

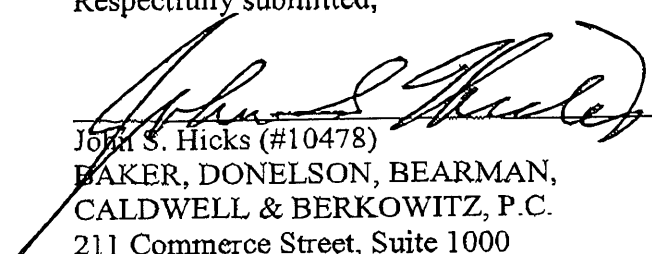
Comes now George T. Lewis, hereafter "Lewis," and hereby files this Memorandum in Support of his Motion for Stay in this matter. As grounds for this Motion, Lewis would submit to the Court that parties to this matter have appealed this Court's ruling. The appellants intend to ask the Tennessee Supreme Court to exercise its authority pursuant to Tenn. Code Ann. § 16-3-201(d)(3) to "reach down" and exercise direct appellate review in this matter. The parties intend to request an expedited briefing schedule and to request the Supreme Court set oral argument in this matter at its earliest opportunity.

This Court's Order directed the Judicial Selection Commission to meet expeditiously and to send a third name to the Governor, along with the names of Judge William Koch and Judge D'Army Bailey, so that the Governor can fill the existing vacancy on the Tennessee Supreme Court. Lewis estimates that the Supreme Court can hear this case during its regular term of Court in the first week of February in Nashville, Tennessee, and can render an opinion with ten (10) business days of hearing oral argument. Consequently, a stay in this matter will create a

delay of approximately sixty (60) days. If the stay is not granted and the Judicial Selection Commission sends a name to the Governor for the Governor to appoint, further legal issues will be created should the Tennessee Supreme Court reverse any aspect of this Court's ruling as expressed in its Memorandum Opinion of December 14, 2006.

WHEREFORE, PREMISES CONSIDERED, Lewis requests that this Court issue a stay of its ruling pending further orders from this Court or an appellate court of competent jurisdiction.

Respectfully submitted,


John S. Hicks (#10478)

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
211 Commerce Street, Suite 1000
Nashville, Tennessee 37201
(615) 726-5600
(615) 726-0464 (Facsimile)

Attorneys for George T. Lewis

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by the means indicated this 22nd day of December, 2006, to:

Robert E. Cooper, Jr.,
Attorney General and Reporter
and
Janet M. Kleinfelter, Senior Counsel
425 Fifth Avenue North
Nashville, Tennessee 37243
(via e-mail/U.S. Mail)

Ben H. Cantrell
Tune, Entrekin & White
AmSouth Center, Suite 1700
315 Deaderick Street
Nashville, Tennessee 37238
(via e-mail/U.S. Mail)

Charles W. Bone, Esq.
Charles Robert Bone, Esq.
Bone McAllester & Norton, PLLC
511 Union Street, Suite 1600
Nashville, Tennessee 37219
(via e-mail/U.S. Mail)

Lyle Reid, Esq.
Post Office Box 198
Brownsville, Tennessee 38012
(via facsimile/U.S. Mail)

Irma Merrill Stratton, Esq.
2121 One Commerce Square
Memphis, Tennessee 38103
(via e-mail/U.S. Mail)

Timothy W. Smith, Esq.
2670 Union Extended
Suite 1200
Memphis, Tennessee 38112
(via e-mail/U.S. Mail)


John S. Hicks